LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943 | kburgemeister@lawoftherockies.com

April 17, 2015

VIA ELECTRONIC MAIL

Gunnison County Planning Commission
c/o Cathie Pagano

Re: Vista Business Center—response to comment letter from the City of Gunnison

Dear Commissioners:

At the request of Cathie Pagano, I am writing on behalf of Link, LLC (d/b/a Vista Business Center), in response to the letter from Greg Larson, Chair, Planning and Zoning Commission of the City of Gunnison, which is dated March 18, 2015, but was delivered to the County on April 13, 2015. I will address each of the City's comments in turn.

Three Mile Plan. The proposed Vista Business Center is located between two existing platted industrial parks. The Applicant would respectfully suggest that industrial uses are more compatible with the surrounding uses than a subdivision of 5 acre residential parcels (as suggested by the City) would be. In light of the County's inclusion of the proposed Vista Business Center location in the "Gunnison/Crested Butte Industrial Special Area," *see* Resolution No. 14-15, it would appear that the County agrees with the applicant on this issue.

Sales Tax. By letter dated September 5, 2015, County Attorney David Baumgarten opined to the Planning Commission that "the City of Gunnison's objection based on sales tax would not be a legitimate rationale to deny [Link, LLC's land use change] application." The applicant would second this opinion, and would respectfully suggest that the parochial view expressed by the City is not in the best interest of the Gunnison valley as a whole. Moreover, precluding retail sales in the Vista Business Center would unfairly and unnecessary put the Vista Business Center at a competitive disadvantage vis-à-vis other commercial / industrial zones and subdivisions in the valley where retail sales are allowed. Many retail establishments already exist outside of City limits and the applicant does not perceive any harm to the public as a result of the same. Nevertheless, after discussions with County staff about the desirable land use mix at the Vista Business Center, the applicant has voluntarily included language in the declaration of protective covenants that limits—but does not preclude—retail sales. *See* Section 6.16.

Highway Landscape Buffer. The applicant has presented a landscaping plan that it believes is consistent with the standards of the Gunnison County Land Use Resolution. The

applicant anticipates that compliance with the plan will be enforced by a development improvements agreement. If the City believes that the landscaping plan falls short of the County's standards, it is incumbent upon the City to call attention to any specific shortfall so that it may be corrected.

Access. It is unclear exactly what the City is requesting on this matter. As you are aware, the City's expectation that highway access is being coordinated with CDOT is correct. To the extent that the City is implying that the County should require half mile separations between highway access points, such a request is not feasible. Importantly, no new access points are being created as a result of this project. To the contrary, if the Outlot is included in the subdivision as anticipated, one access point to the highway will be voluntarily relinquished. The existing Industrial Park Road and Vader Lane are slightly less than a half mile apart. However, it would defy logic to direct VBC traffic to some other location in order to make it ½ mile away from any other highway access point.

Stormwater Management and Water Quality. The preliminary plan, a copy of which was provided to the City, includes a Site Drainage report (Exhibit N) and Water Quality, Grading, and Drainage site plan (Plan set sheet 2) prepared by NCW & Associates, Inc. and stamped by Norman C. Whitehead, a licensed professional engineer. The applicant would respectfully suggest that this plan follows best practices, as requested by the City. If the City feels to the contrary, again, it is incumbent upon the City to identify specific deficiencies in the plan. Additionally, the Declaration of Protective Covenants includes multiple provisions designed to protect water quality. *See* Section 6.10.

Thank you for considering these comments.

Sincerely,

Kendall K. Burgemeister
LAW OF THE ROCKIES

cc: Hal Hearne